

MINUTES

COMMISSION ON LOCAL GOVERNMENT

Regular Meeting

11:00 a.m., July 18, 2005

Members Present

John G. Kines, Jr., Chairman
Harold H. Bannister, Jr., Vice Chairman
Frances M. Parsons
Kathleen K. Seefeldt

Members Absent

Geline B. Williams

Others Present

Ted McCormack, Associate Director
Barbara Johnson, Executive Secretary

Call to Order

The Chairman called the meeting to order at 11:00 a.m., July 18, 2005 in the Board Room of the Department of Housing and Community Development in Richmond.

I. Administration

A. Approval of Minutes of Regular Meeting of May 9, 2005

The minutes of the Commission's regular meeting of May 9, 2005 were approved unanimously. Ms. Parsons abstained from voting because she was not a member of the Commission on that date.

B. Presentation of Financial Statement for June 2005

The Associate Director advised that the member's packet for the current meeting contained a copy of the internally produced financial statement covering the Commission's activities through June 30, 2005. He reported that the Commission ended the 2005 Fiscal Year with a balance of less than \$1.00

principally due to the prepayment of certain charges, such as insurance, for the next fiscal year and the staff's share of certain computer software purchases. The Commission accepted the financial report for filing.

C. **Associate Director's Report**

1. **Resolution of Appreciation for James J. Heston**

The Associate Director reported that in accordance with the Commission's direction he had prepared a resolution of appreciation for James J. Heston whose term as a member expired December 31, 2004. At the request of the members, Mr. McCormack circulated the resolution and each Commissioner present affixed their signature to the document. He indicated that as soon as he secured the signature of Mrs. Williams, the resolution would be framed so that the Commission could present it to Mr. Heston at a forthcoming meeting.

2. **Recruitment for Vacant Position**

The Associate Director stated that in early July he had received authorization to begin the recruitment process to fill the Commission's vacant Senior Policy Analyst position. Mr. McCormack reported that the vacancy notice was initially posted on the State's Internet web site and with the Virginia Employment Commission on or about July 6, 2005, and that the position was advertised in the July 10 edition of the *Richmond Times Dispatch* and the July 14 edition of the *Richmond Free Press*. He indicated that the closing date for applications is July 29, and that he hoped to begin interviewing applicants soon thereafter.

3. **Meeting Per Diem**

The Associate Director stated that, in accordance with the Commission's Policy on compensation and reimbursement, per diem would be paid to Mrs. Parsons for her travel on July 17, 2005, and all members present for their service to the Commonwealth on July 18, 2005.

4. **Expanded Role for Commission Staff**

The Associate Director advised that he had been working with Bill Shelton, the Commission's Executive Director and Director of the Department of Housing and Community Development, to enhance the agency's relationship with local governments and the planning district commissions in the Commonwealth. Mr. McCormack stated that a proposal had been approved that would expand his role and that of the Senior Policy Analyst to a) research and track major issues affecting local governments in the State; b) establish and maintain liaison with the planning district commissions; and c) establish and maintain liaison with the State and national local government associations and other relevant state and national public interest groups. He also indicated that this reorganization would shift DHCD's current liaison responsibility with the planning district commissions from the agency's Office of Community Development to the Commission's staff. He reported that that change would involve staff attendance at the annual conference of the Virginia Association of Planning District Commissions, drafting the statutorily-required biennial report on the activities of the planning district

commissions, and other administrative matters. In closing, the Associate Director observed that those proposed changes are an expansion of the Commission's current responsibilities and should not reduce staff support for the Commission's activities. Mrs. Parsons requested that the Associate Director monitor the additional time required to perform the expanded staff responsibilities and report to the members on the impact of those changes. Mr. McCormack indicated that he would provide an evaluation of those impacts at a future meeting.

5. Freedom of Information Act and Conflict of Interest Act

The Associate Director stated that the members' packet for the current meeting contained copies of the Freedom of Information Act and the Conflict of Interest Act containing the changes enacted by the 2005 General Assembly. Mr. McCormack noted that various statutory provisions require that the members of boards and commissions be furnished copies of the most recent copies of those statutes.

6. Staff Activities

The Associate Director advised that he will attend the annual conference of the Virginia Association of Planning District Commissions on July 21-22 in Virginia Beach. Mr. McCormack also reported that he will be out of the office on vacation from Friday, July 29 through Monday, August 8. He indicated that Ms. Barbara Johnson would be available to assist the members during that period.

II. Revision of Commission Regulations

A. Preliminary Staff Comment

The Associate Director advised that the public hearing held immediately prior to the regular meeting on the proposed revisions to the Commission's Public Participation Guidelines and Regulations occurred at approximately the mid-point of the comment period that is scheduled to end on August 1, 2005. He noted that after that date, the members have 150 calendar days, or to approximately January 1, 2006, in which to adopt the final regulations and to submit those for review by the Department of Planning and Budget, the Secretary of Commerce and Trade and the Governor. Mr. McCormack stated that as part of the review of the proposed revisions to the regulations, the Commission would have to respond to each recommendation received from the public. In order to assist the Commission's adoption of its final regulations, the Associate Director proposed to prepare for the members' use at the September regular meeting a chart containing each recommended change, an analysis of the impact of each proposed change on the affected regulation, a staff recommendation, and space for Commission comment. He also indicated that he would include with the chart, copies of all public comments received.

B. Commission Discussion and Direction

After a brief discussion, the Commission concurred with the proposal offered by Mr. McCormack for the review of the public comment on the changes to the Commission's regulations. In addition, Mr. Kines requested that the members send to the Associate Director their own recommendations for changes

to the proposed regulations prior to the September regular meeting. Mr.

McCormack indicated that he would keep the members' comments separate from those received from the public.

[Mrs. Seefeldt requested that the record indicate that, consistent with statutory requirements and the Commission's Canons of Conduct, she would not be a participant in the scheduling or any other aspect of issues involving the Town of Onley and Accomack County]

III. Town of Onley – County of Accomack Annexation Action

A. Preliminary Staff Comment

Mr. McCormack reported that he had been advised by the attorney for the Town of Onley that the Commission would receive in the immediate future a notice of that Town's intention to file for the annexation of territory located in Accomack County. The Associate Director observed that according to published reports and officials for Onley, the Town had been trying to negotiate a voluntary boundary line adjustment with Accomack County, but that the County has denied that request. He indicated that the issue was complicated by the fact that the nearby Town of Onancock sought to incorporate by agreement some of the same territory sought by Onley, and further, that Onancock's request for a boundary line adjustment had also been denied by the County. He stated that Onley had publicly expressed a desire to enter into formal negotiations with the County concerning the boundary expansion and for that reason, and to preempt an action by Onancock, the Town was forwarding an annexation notice to the Commission. The Associate Director noted that the Commission is required by statute to complete its review of an annexation action within six month of the receipt of an

official notice from the initiating party. He also stated that it was the Commission's policy to meet with the affected parties as soon as possible after the receipt of a notice initiating action in order to ascertain the desire of the localities to enter into mediation and to establish a formal review schedule. Mr. McCormack indicated that the members could hold a special meeting in Richmond as soon as possible in order to attend to those matters, or alternatively, the Commission could meet with the parties at the September regular meeting.

B. Commission Deliberation and Direction

After a brief discussion, the Commission agreed to meet with representatives of the Town of Onley and Accomack County at a special meeting to be called during the period from July 25-28, 2005. Alternatively, if the parties cannot be present on those dates, the members would request that representatives for the Town and County be present at the next regular meeting with the understanding that the parties would agree to a commensurate extension of the Commission's reporting deadline.

IV. Scheduling of Next Regular Meeting

The next regular meeting was scheduled for September 12, 2005 at 10:00 a.m. at the Commission's offices in Richmond, Virginia.

IV. Adjournment

The meeting was adjourned at 11:55 a.m.

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John G. Kines, Jr.
Chairman

Ted McCormack
Associate Director